

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, September 20, 2012, 9:00 a.m.
California Regional Water Quality Control Board
Colorado River Basin Region
Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 9:01 a.m. on September 20, 2012 at Palm Desert, California.

Roll Call (Board Members Only)

Board Members Present:

Buford Crites, Tom Davis, Jeff Hays, Edward Muzik, Ellen Way, Nancy Wright

The Board Secretary stated that a quorum was present. Tom Davis arrived at 10:00 a.m.

Staff Present:

Jose Angel, Terry Barnes, Mary Castañeda, John Carmona, Kai Dunn, Jeff Geraci, Abid Khalaf, Theresa Kimsey, Jeong-Hee Lim, Robert Perdue, Jon Rokke, Nadim Shukry-Zeywar, Jennie Snyder, Doug Wylie

Others Present:

John Almuetti, Niland, CA
Raul Alvarez, Ormat
Ana Kathryn Benedict, Office of Enforcement
Steve Bigley, Coachella Valley Water District
Hollis Daker, Niland, CA
Miguel Figueroa, Calexico New River Committee
David K. Godsey, Niland Sanitary District
Sarann Graham, Hi-Desert Water District
Ellen Howard, Office of Enforcement
Ozzie Morales, DOGGR
Luis Olmedo, Comite Civico Del Valle, Inc.
Mike Pollack, GSWC
Ed Smith, Palo Verde Irrigation District
Tom Vandenberg, State Water Board, Office of the Chief Counsel

MINUTES

1. Minutes of June 21, 2012 Board Meeting

MOTION: Buford Crites moved, Ed Muzik seconded, and motion carried unanimously that the Minutes be adopted. Nancy Wright abstained.

PUBLIC FORUM

2. Sarann Graham, President Hi-Desert Water District, Board of Directors, gave an update on the District's progress in funding and designing a wastewater treatment project to comply with the Regional Board's Prohibition of Septic Tank Discharges in Yucca Valley. Ms. Graham described: the pursuit of appropriate terms for funding from the SWRCB Division of Financial Assistance, while working with the Town of Yucca Valley on passing a tax measure for additional funding; letting of a contract for the design and refinement of cost estimates for the collection system; and progress by the District staff in completing an implementation plan. Ms. Graham added that California Department of Public Health Division of Drinking Water and Environmental Management, Regional Board and District staff are working together to determine appropriate wastewater treatment levels.

UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS AND WASTE DISCHARGE REQUIREMENTS

3. R7-2012-0011 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the **Seeley County Water District**, Seeley County Wastewater Treatment Plant, Seeley – Imperial County

MOTION: Ed Muzik moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2012-0011 be adopted.

4. R7-2012-0012 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for **McCabe Union School District Municipal Wastewater Treatment Plant**, El Centro – Imperial County

MOTION: Ed Muzik moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2012-0012 be adopted.

5. R7-2012-0013 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the **City of Westmorland Wastewater Treatment Plant**, Westmorland – Imperial County

MOTION: Ed Muzik moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2012-0013 be adopted.

6. R7-2012-0045 Rescission of Waste Discharge Requirements for **00-85-Ormesa Geothermal IH; 00-090-Ormesa Geothermal II; 00-102-Ormesa Geothermal IE; 00-103-Ormesa Geothermal I**

MOTION: Ed Muzik moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2012-0045 be adopted.

UNCONTESTED ENFORCEMENT

7. R7-2012-0024 Cease and Desist Order R7-2012-0024, superseding Cease and Desist Order R7-2009-0007 issued to **Niland Sanitary District Municipal Wastewater Treatment Plant**, Owner/Operator, Niland – Imperial County

MOTION: Buford Crites moved, Jeff Hays seconded, and motion carried unanimously that Order No. R7-2012-0024 be adopted.

David Godsey, General Manager of the Niland Sanitary District, thanked the Regional Board staff for working with the District. Jose Angel, RB7 Assistant Executive Officer, brought to the Board's attention that financial support came from the federal Border Environment Cooperation Commission with assistance from Imperial County.

8. R7-2012-0025 Administrative Civil Liability Order R7-2012-0025 in the matter of the **City of Calipatria Municipal Wastewater Treatment Plant**, Calipatria – Imperial County

MOTION: Jeff Hays moved, Ed Muzik seconded, and motion carried unanimously that Order No. R7-2012-0025 be adopted.

Luis Olmedo, Executive Director of Comit  Civico Del Valle, Inc., described the non-profit, community based organization's role in providing environmental education and a web-based system for the public to report potentially illegal discharges. The City of Calipatria, as part of a Supplemental Environmental Project, settling civil liability levied under ACLO R7-2012-0025, will pay Comit  Civico Del Valle \$5,000 to further the environmental justice organization's community outreach activities.

9. R7-2012-0048 Administrative Civil Liability Order R7-2012-0048 in the matter of the **City of Holtville Wastewater Treatment Plant**, Holtville – Imperial County

MOTION: Nancy Wright moved, Buford Crites seconded, and motion carried unanimously that Order No. R7-2012-0048 be adopted.

10. R7-2012-0049 Administrative Civil Liability Order R7-2012-0049 in the matter of the **City of Calexico Water Pollution Control Plant**, Calexico – Imperial County

MOTION: Jeff Hays moved, Nancy Wright seconded, and motion carried unanimously that Order No. R7-2012-0049 be adopted.

Miguel Figueroa, Executive Director Calexico New River Committee, Inc., described Project LEARN (Leading, Educating and Advocating Residents on the New River Strategic Plan). Project LEARN is a \$3,000 Supplemental Environmental Project funded by the City of Calexico to settle, in part, civil liability levied under ACLO R7-2012-0049.

RESOLUTION

11. R7-2012-0046 Resolution approving the Initial Study and Adopting a **Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste from Drain Operation and Maintenance Activities Originating within the Palo Verde Valley and Palo Verde Mesa** – Riverside and Imperial Counties

MOTION: Buford Crites moved, Jeff Hays seconded, and motion carried unanimously that Order No. R7-2012-0046 be adopted. Mr. Davis joined the Board meeting after the vote was taken.

WAIVER OF WASTE DISCHARGE REQUIREMENTS

12. R7-2012-0047 Order R7-2012-0047, Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Waste from Drain Operation and Maintenance Activities Originating within the Palo Verde Valley and Palo Verde Mesa – Riverside and Imperial Counties

Mr. Jose Angel, Assistant Executive Officer, and Mr. Doug Wylie, Senior Water Resources Control Engineer, presented the staff report in support of the Waiver. Mr. Wylie described the key elements of the Conditional Waiver and conditions applicable to farmers and Palo Verde Irrigation District. Mr. Angel presented data showing pesticides and other constituents of concern coming from agricultural operations have been detected in areal surface waters. He respectfully requested the Regional Water Board to adopt the Waiver in order to ensure that water quality was fully protected.

MOTION: Jeff Hays moved, Ed Muzik seconded, and motion carried that Order No. R7-2012-0047 be adopted with errata. Ellen Way voted nay and Tom Davis abstained.

OTHER BUSINESS

13. Informational Update on Regional Irrigated Lands — JS and DW

Jennie Snyder, Regional Board staff Engineer, provided an update on development of a proposed Conditional Waiver of Waste Discharge Requirements (WDRs) in Bard Valley and other areas of the Region. A Bard Valley CEQA Scoping Meeting is scheduled for September 25, 2012 in Winterhaven, CA. A Board Order for the Bard Valley Conditional Waiver will be scheduled for consideration for adoption in early 2013. Staff will work with interested parties in Coachella Valley to develop a Conditional Waiver of WDRs for consideration for adoption in late 2013. A Conditional Waiver for Imperial Valley is targeted for consideration for adoption in 2014.

14. Informational Update on Trailer Park Septic System Regulation — JR

Jonathan Rokke, Regional Board staff, made a presentation on regulating mobile home parks (MHPs) using septic tank systems for wastewater disposal with a focus on eastern Coachella Valley. Many of these MHPs have inadequate infrastructures and unsanitary living conditions.

California Senator Richard Polanco authored the 1992 Farm Labor Protection Act allowing growers to build small MHPs without obtaining zoning or land use permits. Riverside County staff now estimates there are 200 unpermitted MHPs on unincorporated county land and about 100 on tribal land. The Regional Board regulates septic tank discharges from MHPs with 5,000 gallons per day of discharge (equivalent to about 20 or more units) via General Order 97-500. Riverside County, under an informal agreement with RB7, regulates smaller MHPs, but faces severe budgetary constraints for staffing. The dilemma faced by regulators is that compliance by the smaller MHPs with all applicable ordinances is often prohibitively expensive for these low income communities. Strict enforcement may have the unintended consequence of rendering small MHP tenants homeless. The Regional Board Members requested staff hold a Public Workshop on this matter.

15. Informational Update on the New River Outlet Remote Monitoring Station to the Salton Sea — JG

Jeff Geraci, Regional Board Environmental Scientist, reported that the RB7 Basin Planning Unit, in coordination with the SWAMP Program, installed the first of three remote water-quality monitoring stations. The first station, located at the New River outlet to the Salton Sea, monitors in real-time: turbidity, dissolved oxygen, temperature, pH, electrical conductivity and chlorophyll. Monitoring data is transmitted over the internet to an off-site database that can be accessed by any device with internet connectivity. A live demonstration was provided by Mr. Geraci.

16. Informational Update on State Water Resources Control Board Activities — TV

(See hand-out)

17. Colorado River Basin Water Board Executive Officer's Report — RP

Robert Perdue, Executive Officer, informed the Board of the recent hiring of Anders Wistrom, Ph.D., P.E. Mr. Perdue also informed the Board of the recent loss of students working for RB7 under contract with the California Community Colleges. The student contract ended due to state budget negotiations. Mr. Perdue stated Cal-EPA Secretary, Mr. Matthew Rodriguez, has emphasized that all state travel must continue to be mission critical.

18. Colorado River Basin Water Board Member Comments

Board Members discussed the ongoing process for Governor reappointments.

19. Colorado River Basin Water Board Chair's Report — EW

The Chair welcomed Nancy Wright back to the Regional Board after recently being appointed by the Governor.

CLOSED SESSION

20. At any time during the regular session, the Board may adjourn to meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

No closed session items were discussed.

ARRANGEMENTS FOR NEXT BOARD MEETING: THURSDAY, NOVEMBER 15, 2012, 10:00 A.M., IN PALM DESERT.

Adjournment: 11:47 a.m.

MOTION: Ed Muzik moved, Buford Crites seconded, and motion carried unanimously to adjourn the meeting.